

## C. Dealer Records / Storage Inspection

---

### Purpose

A Pesticide Dealer Record / Storage Inspection is conducted at the business location to ascertain licensing status, supervision by a qualified person, record maintenance, the sale and delivery of appropriate pesticides, adherence to restricted materials sales requirements and proper handling of containers.

A complete record inspection should be conducted at the frequency agreed to in your county's enforcement work plan. Additional review of sales records may be needed to determine compliance with pesticide use reporting requirements or for specific investigations. It is recommended that you check CAC records and note any prior violations before performing the inspection. Inspections should include an interview of the designated agent.

---

### Inspection criteria

Dealers must be actively selling agricultural, dual use or restricted use pesticides, and the number of records reviewed must be recorded on the form in order to report as a completed Dealer Inspection. If no records are reviewed, it cannot be considered a complete inspection.

NOTE: See also FAC § 12121, Dealer Violations, for violations related to providing false information in acquiring a license or distributing or advertising false or misleading information about a pesticide.

---

## Requirements

### 1. Dealer Licensed FAC § 12101

Scope: Persons acting as pesticide dealers, or who engage in the business of, advertise as, or assume to act as a pesticide dealer. Dealer activities are defined in FAC § 11407.

Locate and examine the dealer's license. Record the business name, license number and expiration date from the license on the inspection form. Determine if the information is current and that the license is valid.

#### Exemptions:

- Licensed agricultural or structural pest control businesses that apply the pesticides sold or recommended. (FAC § 11407.5)
- Any federal, state or county agency that provides pesticides for agricultural use. (FAC § 12102)
- Cooperatives that provide pesticides for their members. (guidance)

## **2. Designated Agent/Office, Valid License/Certificate 3CCR § 6560**

Scope: Any person who is responsible for supervising the operations of a licensed pest control dealer either at the main (principal) office or at a branch location.

Determine if a designated agent is available at each main office **and** each branch location.

Record the agent's name of the subject facility on your inspection form. In order for persons to be qualified as a designated agent for a pesticide dealer's license they must hold a valid:

- Designated Dealer Agent License.
- Pest Control Adviser License.
- Pest Control Journeyman Pilot Certificate.
- Qualified Applicator License.

Does the designated agent actively supervise all operations conducted by employees at that location? Determine that the designated agent is providing adequate supervision and not attempting to oversee several locations, or attempting to work full time as a PCA, while "overseeing" dealer operations remotely.

Exemptions: None.

## **3. Sales Records/Written Statement 3CCR § 6562**

Scope: Any pesticides sold or delivered by licensed pesticide dealers.

Dealers shall maintain records of all agricultural and non-agricultural use pesticides sold or delivered, except for the sale of pesticides labeled only for home use. Verify that all pesticide sales records are being maintained for two years from the date of sale. Ask to see and examine the records of pesticides sold as cash sales.

Ask the designated agent how records are maintained. Interview a salesperson to determine how he/she handles sales receipts and compare the response to the designated agent's description of record maintenance. Select a representative sample of records to review. Are records identified by purchaser name and address? Do they show an operator identification number (or restricted materials permit number) or a statement that no identification number is required? If the record bears the statement that no operator I.D. is required, verify that the pesticide is labeled for non-agricultural use, and is not a restricted material, or a pesticide listed in 3CCR § 6800(b).

Do the records show where the pesticide was delivered? Does each pesticide sale include either a written recommendation or a statement on a copy of the customer's invoice that no recommendation was made? For invoices or delivery slips that do not have a statement, verify that a written recommendation was made. If discrepancies exist, expand the record review. Dealers must keep copies of the recommendation or statement for two years.

### **Dual-Use Pesticides**

Retail stores that sell pesticides for any use that requires a permit for possession and use, or